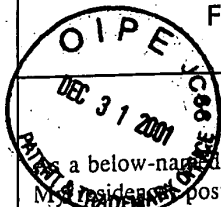


#4

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Attorney's Docket No.



As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

THEOBROMINE SYNTHASE POLYPEPTIDE OF COFFEE PLANT AND THE GENE ENCODING

SAID POLYPEPTIDE

the specification of which

(check one)

☐ is attached hereto;

☒ was filed on October 5, 2001 as

Application No. 09/971,020

and was amended on _____;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

COMBINED DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No.

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
Japan	2000-307,149	6, October, 2000	YES _x NO__
			YES__ NO__
			YES__ NO__
			YES__ NO__
			YES__ NO__
			YES__ NO__
			YES__ NO__
			YES__ NO__

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William L. Mathis	17,337	Ralph L. Freeland, Jr.	16,110	William C. Rowland	30,888
Peter H. Smolka	15,913	Robert G. Mukai	28,531	T. Gene Dillahunty	25,423
Robert S. Swecker	19,885	George A. Hovanec, Jr.	28,223	Anthony W. Shaw	30,104
Platon N. Mandros	22,124	James A. LaBarre	28,632	Patrick C. Keane	32,858
Benton S. Duffett, Jr.	22,030	E. Joseph Gess	28,510	Bruce J. Boggs, Jr.	32,344
Joseph R. Magnone	24,239	R. Danny Huntington	27,903	William H. Benz	25,952
Norman H. Stepno	22,716	Eric H. Weisblatt	30,505	Peter K. Skiff	31,917
Ronald L. Grudziecki	24,970	James W. Peterson	26,057	Richard J. McGrath	29,195
Frederick G. Michaud, Jr.	26,003	Teresa Stanek Rea	30,427	Matthew L. Schneider	32,814
Alan E. Kopecki	25,813	Robert E. Krebs	25,885	Michael G. Savage	32,596
Regis E. Slutter	26,999	Robert M. Schulman	31,196	Gerald F. Swiss	30,113
Samuel C. Miller, III	27,360				

and:

Address all correspondence to:

Robert G. Mukai
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Address all telephone calls to: Robert G. Mukai at (703) 836-6620.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR		SIGNATURE	DATE
Hiroshi SANO		<i>Hiroshi Sano</i>	December 7, 2001
RESIDENCE		CITIZENSHIP	
Ikoma City, Nara Pref., Japan		Japanese	
POST OFFICE ADDRESS 2-7-15, Shikanodai-nishi, Ikoma City, Nara Pref., Japan			
FULL NAME OF SECOND JOINT INVENTOR, IF ANY		SIGNATURE	DATE
Tomonobu KUSANO		<i>Tomonobu Kusano</i>	December 7, 2001
RESIDENCE		CITIZENSHIP	
Nara City, Nara Pref., Japan		Japanese	
POST OFFICE ADDRESS 2-7-12-203, Tomiomoto-machi, Nara City, Nara Pref., Japan			

COMBINED DECLARATION AND POWER OF ATTORNEY		Attorney's Docket No.	
FULL NAME OF THIRD JOINT INVENTOR, IF ANY Nozomu KOIZUMI		SIGNATURE <i>Nozomu Koizumi</i>	
RESIDENCE Ikoma City, Nara Pref., Japan		DATE December 7, 2001	
POST OFFICE ADDRESS C505, 8916-5, Takayama-Cho, Ikoma City, Nara Pref., Japan		CITIZENSHIP Japanese	
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	
FULL NAME OF NINTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	
FULL NAME OF TENTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	
FULL NAME OF ELEVENTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	